

AMENDMENTS TO THE DRAWINGS

The attached drawing sheets include changes to Fig. 3 and Fig. 6.

Attachment: Two Replacement Sheets

REMARKS

The applicants appreciate the acknowledgement of the claim for priority under section 119 and the notice that the certified copy of the priority document has been received.

The applicants also acknowledge and appreciate the initialed copy of the forms PTO 1449 filed on 15 December 2005, 6 December 2005, and 16 March 2004.

Claims 1-11 are pending. Claims 6-10 have been withdrawn. New claim 11 is added. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The drawings are objected to because FIG. 6, steps 80, 110, 120, 160, 170, 180 do not have a continuing step (step 10). The attached replacement sheets amend FIG. 6 to include the continuance to step 10, and amend FIG. 3 to include the continuance "FROM STEP 80, 110, 120, 160, 170, 180." Therefore, the examiner is respectfully requested to withdraw the objection to FIG. 6.

The drawings are objected to as failing to show every feature of the invention, because allegedly the recited features "are not consistent with what describe in the Description of the Embodiments and Drawings." The examiner is respectfully requested to reconsider and withdraw the objection for reasons including the following, which are provided by way of example.

The examiner is respectfully reminded that there is no requirement that the claims recite the elements *in ipsius verbis* with the drawings. Each and every feature of the recited invention is

sufficiently illustrated in the drawings. The following addresses each of the items which the examiner contends is not illustrated.

- (1) The seat occupant identifying circuit: illustrated for example at FIG. 2, element 6.
- (2) Total sensor output: illustrated for example at FIG. 3, block 40; and FIG. 5, "TOTAL LOAD W, RIGHT TOAL LOAD WR, LEFT TOTAL LOAD WL."
- (3) First/second seat occupant threshold value: illustrated for example at FIG. 2, element 63, the structure where thresholds can be stored.
- (4) A right and a left sensor each of which is responsive to a change in "preselected physical quantity": illustrated for example at FIG. 1, elements 2, 3, 4, 5; and FIG. 3, block 30.
- (5) A seat occupant identifying circuit working to identify whether the passenger on the seat is a "first sized occupant" of more than "a specified physical size": illustrated for example at FIG. 2, element 6.
- (6) The second seat occupant threshold value is predetermined to a value selected within a range including the output of one of the right and left sensors subjected to a "negative load," illustrated for example at FIG. 4, block 70; and FIG. 5, "LEFT TOTAL LOAD WL."
- (7) Left/right sensor: illustrated for example at FIG. 1, elements 2, 3, 4, 5; and FIG. 3, block 30.
- (8) First/second sized occupant: the requirement to show "a first/second sized occupant" is respectfully traversed because the occupant is not an element of the applicants' invention. Because the occupant is not a structural element of applicant's device, it need not be illustrated.

In view of the foregoing, the examiner is respectfully requested to withdraw the objection to the drawings.

Claim 1 was objected to for an informality. The informality specified in the office action is corrected by way of the above amendment. Withdrawal of the objection is respectfully requested.

The applicants point out that claim 1 was amended in response to an outstanding objection to the drawings and not due to a substantial reason related to patentability or any other reason that might give rise to estoppel. Therefore, the amendments to claim 1 have not narrowed the scope of these claims within the meaning defined in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002).

Claim 3 was rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the examiner believes that a “negative load” recited in the claims is not described in the specification so as to reasonably convey to one of skill in the relevant art that the inventor had possession of the claimed invention. The applicants respectfully request that this rejection be withdrawn for reasons including the following, which are provided by way of example.

The specification states “The cornering threshold value WRTH is predetermined to the sum of outputs of the left load sensors 2 and 4 produced when a portion of the weight load of, for example, a smaller adult passenger of 50kg acting on the left side of the seat 1 has a value (e.g., 0kg) preselected within a range of zero (0) \pm given loads (e.g., \pm 5kg), which is expected to arise when the adult passenger experiences a rightward G-force and leans rightward on the seat 1 during cornering of the vehicle in the leftward direction. The cornering threshold value WLTH is predetermined in a similar manner.” (Page 13, lines 6-17.) It is respectfully submitted that the description of “zero (0) \pm given loads (e.g., \pm 5kg)” would include a description of a negative load to one of ordinary skill in the relevant art, because “ \pm ” (i.e. positive or negative) is

understood to include “negative.” Also see FIG. 5, where “LEFT TOTAL LOAD WL” is illustrated dropping below zero. It is respectfully submitted that one of ordinary skill in the relevant art would understand that a load less than zero to be a “negative load.” The examiner is therefore respectfully requested to withdraw the rejection.

Claims 1-5 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,774,804, Sakai (“Sakai”). The rejection is respectfully traversed for reasons including the following, which are provided by way of example.

The specification describes the problem of “identifying whether a passenger on a seat of the vehicle is an adult or a child which may arise when the passenger has leaned to one side of the seat, for example, due to a lateral G-force during cornering.” (Specification page 2, lines 13-17.)

Claim 1 recites in combination, for example, “when a total sensor output that is the sum of the outputs of said right and left sensors is greater than a first seat occupant threshold value, said seat occupant identifying circuit determining the passenger on the seat as the first sized occupant, when the total sensor output decreases below the first seat occupant threshold value after the passenger is identified as the first sized occupant, and only either one of the outputs of said right and left sensors is smaller than a second seat occupant threshold value, the second seat occupant threshold value being smaller than the first seat occupant threshold value, said seat occupant identifying circuit keeping determination that the passenger is identified as the first sized occupant”. Thereby, when a total sensor output decreases below a first seat occupant threshold value, but only one of the outputs of the right and left sensors is smaller than a second seat occupant threshold value, a decision about passenger size is kept as it is.

Without conceding that Sakai discloses any feature of the present invention, Sakai is directed to a passenger determination device. The Sakai system is designed so that when the detected load value S (that is, the sum of the outputted load values FR , FL , RR and RL) decreases below the threshold value A , but the variation Δ of the detected load value is lower than value D , a decision is maintained as it is. In Sakai, the detected load value is an absolute value of a difference between the load value S , as derived in the current cycle, and the load value S as derived one cycle earlier. (Col. 4, lines 48-54).

The office action asserts that Sakai discloses the invention as claimed. To the contrary, Sakai fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole.

In independent claim 1, as compared with Sakai, the seat occupant identifying circuit keeps the determination that the passenger is the first sized occupant when the total sensor output decreases below the first threshold, and when only either one of the outputs from the right and left sensors is small than a second seat occupant threshold value. Sakai, to the contrary, utilizes variations Δ of the detected load value S , where Δ is a “value of deviation between present load value S and detected load value calculated at the last processing time.” (Col. 4, lines 50-54.) In Sakai, “ S ” is “the sum of the outputted load values FR , FL , RR , RL .” (Col. 4, lines 8-10.) Sakai relies on a difference between total present load S and previously processed total load S . Therefore, Sakai fails to teach or suggest checking whether output of one of the left and right sensors is smaller.

Moreover, Sakai operates on a different principal than the present invention. In Sakai, “in case that a vibration or joggle and so on generate during the running of a vehicle, variations Δ of the detected load value becomes smaller ... [I]n case that the seated passenger changes from

an adult to a child or from a child to an adult, variations Δ of the detected load value becomes larger ...” (Col. 4, lines 57-65.) During cornering of Sakai’s system, the variations Δ of the detected total load value S may lead to an erroneous decision that the seated passenger changed from adult to child or vice versa. In the present invention, however, even when the relation between the total sensor output and the first seat occupant threshold value is changed by an occupant leaning during cornering, the decision is kept because of use of the outputs from only one of the first/second sensors.

Sakai fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Sakai.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Sakai clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

New claim 11 has been added to further define the invention, and is believed to be patentable for reasons including these set out above. Support for new claim 11 is located in the application as filed, for example, page 16, lines 8-13; and FIG. 5.

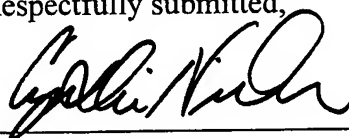
The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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